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EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Office of Policy | Legal Education and
Research Services Division

| Policy & Case Law Bulletin

July 9, 2018

Addendum to July 6, 2018 Bulletin

Federal Agencies

DHS

- [USCIS Announces New Policy Memoranda on the Referral of Cases and Issuance of NTAs](#)

On July 5, 2018, USCIS announced the issuance of two new policy memoranda. The memoranda, both effective June 28, 2018, and linked below, provide updated guidance and clarification on USCIS policies relating to the referral of cases to ICE and the issuance of NTAs.

→ [USCIS Policy Memorandum 602-0050.1, Updated Guidance for the Referral of Cases and Issuance of Notices to Appear \(NTAs\) in Cases Involving Inadmissible and Deportable Aliens](#)

This memorandum outlines DHS removal priorities, consistent with the President's Executive Order 13768, Enhancing Public Safety in the Interior of the United States, and DHS's corresponding implementation memorandum, Enforcement of the Immigration Laws to Serve the National Interest, both issued in 2017. The memorandum provides updated guidance to USCIS personnel on the referral of cases to ICE and issuance of NTAs, with the stated purpose of better aligning USCIS policies with DHS enforcement priorities. The memorandum supersedes a prior DHS policy memorandum issued on November 7, 2011, relating to the referral of cases and issuance of NTAs.

→ [USCIS Policy Memorandum 602-0161, Guidance for the Referral of Cases and Issuance of Notices to Appear \(NTAs\) When Processing a Case Involving Information Submitted by a Deferred Action for Childhood Arrivals \(DACA\) Requestor in Connection With a DACA Request or a DACA-Related Benefit Request \(Past or Pending\) or Pursuing Termination of DACA](#)

This corresponding memorandum confirms that notwithstanding the issuance of the above memorandum, in processing: 1) initial and renewal DACA requests or DACA-related benefit requests or 2) DACA recipients for possible DACA termination, USCIS will continue to follow its existing DACA information-sharing policy regarding any information provided in a DACA request or DACA-related benefit request. The memorandum instructs USCIS personnel to continue to refer to the otherwise

superseded November 7, 2011, memorandum, Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens, in determining whether a referral to ICE should be made or an NTA issued in cases involving DACA recipients and requestors.